




DECLARATION AND POWER OF ATTORNEY

Paul L. Kornblith declares:


 I am a citizen of the United States of America and a resident of the City of Pittsburgh, County of Allegheny, Commonwealth of Pennsylvania, whose post-office address is 907 Settler's Ridge Road, Pittsburgh, Pennsylvania 15238.

I verily believe myself to be the original, first and sole inventor of the improvement in "Precise Efficacy Assay Methods For Active Agents Including Chemotherapeutic Agents" described and claimed in U.S. Application Serial No. 09/039,957, filed March 16, 1998.

I have reviewed and understand the contents of the specification, including the claims.

That this application in part discloses and claims subject matter disclosed in my earlier filed pending application, Serial No. 08/679,056, filed July 12, 1996.

That, as to the subject matter of this application which is common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States before my invention thereof; or patented or described in any printed publication in any country before my invention thereof or more than one year prior to said earlier application; or in public use or on sale in the United States more than one year prior to said earlier application.

That said common subject matter has not been patented or made the subject of an inventor's certificate before the date of said earlier application in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months prior to said earlier application.

That no application for patent or inventor's certificate on said invention set forth in said earlier application filed by me or my legal representatives or assignees was filed in any country foreign to the United States.

That, as to the subject matter of this application which is not common to said earlier application, I do not know and do not believe that the same was ever known or used in the United States before my invention thereof; or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the date of this application, or in public use or on sale in the United States more than one year prior to the date of this application.

That said subject matter of this application which is not common to said earlier application has not been patented or made the subject of an inventor's certificate in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months prior to the date of this application.

That no application for patent or inventor's certificate on said invention first set forth in this application filed by me or my representatives or assigns was filed in any country foreign to the United States.

I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a) including matters as occurred between the filing date of my said earlier application and the filing date of this application.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

I hereby appoint Barbara E. Johnson, Registration No. 31,198; William H. Logsdon, Registration No. 22,132; Russell D. Orkin, Registration No. 25,363; David C. Hanson, Registration No. 23,024; Richard L. Byrne, Registration No. 28,498; Frederick B. Ziesenheim, Registration No. 19,438; Kent E. Baldauf, Registration No. 25,826; Paul M. Reznick, Registration No. 33,059; John W. McIlvaine, Registration No. 34,219; Michael I. Shamos, Registration No. 30,424; Blynn L. Shideler, Registration No. 35,034; Julie W. Meder, Registration No. 36,216; Lester N. Fortney, Registration No. 38,141; Randall A. Notzen, Registration No. 36,882; Jesse A. Hirshman, Registration No. 40,016; James G. Porcelli, Registration No. 33,757; and Kent E. Baldauf, Jr., Registration No. 36,082, whose post-office address is 700 Koppers Building, 436 Seventh Avenue, Pittsburgh, Pennsylvania 15219-1818, Telephone No. 412-471-8815, my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, to amend the specification, to appeal in case of rejection, as they may deem advisable, to receive the patent when granted and generally to do all matters and things needful in the premises, as fully and to all intents and purposes as I could do.

All correspondence and telephone calls should be addressed to Barbara E. Johnson.

I hereby subscribe my name to the foregoing specification and claims, declaration and power of attorney this 22nd day of May, 1998.

Paul L. Kornblith
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I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Paul L. Kornblith
TITLE OF PERSON IF OTHER THAN OWNER President
3636 Boulevard of the Allies
ADDRESS OF PERSON SIGNING Pittsburgh, PA 15213
SIGNATURE Paul L Kornblith DATE 5/22/98